

REMARKS

Claims 13-20 are pending in the present application. Claims 13-19 stand rejected and claim 20 is objected to as depending on a rejected base claim. New claim 21 is claim 20 rewritten in independent form. By the present amendment, claims 13 and 16 have been amended. Applicants' representative submits that the amendment of claim 13 places the application in condition for allowance, therefore entry of the amendment and reconsideration of all pending claims in light of amendments thereto and the following remarks is respectfully requested.

Claim 13 has been amended to recite an optical scanner for reading indicia by effecting a scanning motion of a light beam in an x-axis direction across an indicia to be read that includes a laser for producing an unmodified light beam of non-circularly-symmetric cross-section, having an x-axis and a y-axis, with beam divergence in the x axis being greater than beam divergence in the y axis. Negative beam-shaping optics in the outgoing beam path adjust the y axis divergence independently of the x axis divergence.

The prior art discussed in the present application and shown in Figures 1, 6, and 7 does not teach or suggest the optical scanner recited in claim 13. For example, the scanners illustrated schematically in Figures 1 and 4 do not feature a laser light source that creates an unmodified light beam with beam divergence in the x axis being greater than beam divergence in the y axis. At page 14, lines 9-10, the specification describes the prior art scanner shown in Figure 6 as follows: "the laser is aligned so that the beam fans out in the y direction." Therefore, the unmodified light beam created by the light source in Figure 6 does not have divergence in the x direction that is greater than beam divergence in the y axis.


Further, the prior art does not teach or suggest negative beam-shaping optics in the outgoing beam path that adjust the y axis divergence independent of the x axis. The concave mirror 32 cited by the examiner in the office action as negative-beam-shaping optics in the beam path is not located in the *outgoing* beam path. For these reasons, claim 13 is neither taught nor suggested by the prior art and therefore claim 13 and its depending claims 14-20 are in condition for allowance.

In view of the foregoing, it is submitted that the application is in condition for allowance, and prompt notice to that effect is respectfully requested. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 23-0630 for any additional fees required under 37 C.F.R. § 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,


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